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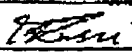
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/759,090	
	Filing Date	01/20/2004	
	First Named Inventor	TOM KUSIC	
	Art Unit	3643	
	Examiner Name	TIMOTHY D. COLLINS	
Total Number of Pages in This Submission	21	Attorney Docket Number	-

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January 27, 2006

Commissioner for Patents  
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Re: Application number 10/759,090  
Filing Date: 01/20/2004  
Name of Applicant: Tom Kusic  
Invention Title: Aircraft Spiralling Mechanism - B

Attention: Examiner Mr. Timothy D. Collins

Thank you for your correspondence with the mailing date  
11/02/2005, and for removing the restriction requirement.

With respect to the information disclosure statement, please  
find attached copies of foreign patents not previously supplied,  
and copies of a drawing and pages 249 to 252, from the book titled  
Last Talons of the Eagle, which discuss an aircraft with variable  
pitch ramjet powered wings, the Focke-Wulf Triebflugel.

With respect to rejection of claims 1-30 on the grounds of double  
patenting when compared to claims 7-9 and 12 of U.S. Patent No.  
6764044, claims 1, 4, and 7 in my application comprise a feature  
not included in claims 7-9 and 12 of 6,764,044. In claims 1, 4 and 7  
in my application, the rotation of one fin causes the rotation of  
another fin in the same or symmetric direction, hence avoiding the  
need for multiple independent means to initiate the rotation of each  
fin. This feature is also a restriction in claims 1, 4 and 7 of my  
application that is not present in claims 7-9 and 12 of 6,764,044.

Claims 2, 5 and 8 in my application comprise a feature not  
included in claims 7-9 and 12 of 6764044. In claims 2, 5 and 8  
in my application, the rotation of one fin can cause the rotation  
of another fin in the same or symmetric direction, hence avoiding  
the need for multiple independent means to initiate the rotation of  
each fin. This feature is also a restriction in claims 2, 5 and 8 of  
my application that is not present in claims 7-9 and 12 of 6,764,044.

Claims 3, 6 and 9 in my application comprise a feature not  
included in claims 7-9 and 12 of 6764044. In claims 3, 6 and 9  
in my application, one fin is larger than another fin. In Claim  
9 of my application, the rotation of one fin can also cause the

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(Re: Patent application 10/759,090)

rotation of another fin. Claims 7-9 and 12 of 6,764,044 do not make any reference to one fin being larger than another fin. By referring to a larger fin and a smaller fin, claims 3, 6 and 9 of my application also introduce this feature as an added restriction not included in claims 7-9 and 12 of 6,764,044.

By having one fin larger than another, the fins can be fitted to a missile in such a manner that a spiralling motion can commence immediately after the launch of the missile. Some time after launch, the fins could be rotated by the fin rotating mechanism so that the fins no longer cause a spiralling motion. This would be the case where a missile has to fly over hostile territory immediately after launch. During the final approach to a target, the spiralling motion could be stopped to enable accurate aiming at a specific target. The spiralling motion could be stopped by rotating fins so that the fins were in line with the rotational axis of the rotatable tube. By making the larger fin flat, and the smaller fin aerodynamically shaped, when aligned with the horizontal axis of rotation of the rotatable tube, the smaller fin could exert a greater force on the tube than the larger fin, thus slowing down the rate of rotation of the rotatable tube. As such, the larger fin would exert a greater magnitude of force on the rotatable tube during initial flight than the smaller fin, and then during the final approach to the target, as the fins are rotated relative to the rotating tube, the smaller fin would eventually exert a greater magnitude of force on the rotatable tube than the larger fin. In claims 7-9 and 12 of 6,764,044, one fin cannot exert a greater magnitude of force on the rotatable tube than "can" another fin (refer lines 11-14, 34-36, 59-61 of column 9 and lines 9-11 of column 11).

The examiner of 6,764,044 stated during the examination procedure that merely referring to one fin exerting a greater force over another was not sufficient for claims to be allowed. The claims 7-9 and 12 were previously dependent claims, and were allowed only because they contained restrictions referring to lever or hydraulic actuator that caused friction against the rotatable tube.

Claims 1-30 in my application introduce features and restrictions not present in claims 7-9 and 12 of 6,764,044, that is, the rotation of one fin causing the rotation of another fin in the same or symmetric direction and thereby causing one fin to exert a greater magnitude of force, or having one fin larger than another fin, thus providing the ability to have one fin exert a greater magnitude of force on the tube than another, and then allowing another fin to exert a greater magnitude of force while rotating the fins in the same direction.

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T. Kusic.

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